

**UNITED STATES COURT OF APPEALS**

**MAY 30 1997**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

LARRY ALDOFF,

Plaintiff-Appellant,

v.

ART WEIDEMANN, Assistant  
District Attorney; ELLEN WADLEY,  
Investigator; EARL HARTLEY and  
MARILYN ALDOFF, in their official  
and individual capacities,

Defendants-Appellees.

and

CLINTON PITTS, in his official and  
individual capacity,

Defendant.

No. 96-2225  
(D.C. No. CIV-95-263-MV)  
(New Mexico)

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**ORDER AND JUDGMENT\***

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Before **SEYMOUR**, Chief Judge, **PORFILIO** and **MURPHY**, Circuit Judges.

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

Plaintiff Larry Aldoff appeals from the district court's sua sponte dismissal of his complaint against the various named defendants. We have carefully reviewed the record in light of the issues Mr. Aldoff raises on appeal. We are not persuaded that the district court erred in dismissing the complaint. We grant Mr. Aldoff's motion to proceed in forma pauperis, and we **AFFIRM** the judgment of the district court substantially for the reasons set forth in the court's Memorandum Opinion filed September 6, 1996.

ENTERED FOR THE COURT

Stephanie K. Seymour  
Chief Judge